

REMARKS/ARGUMENTS

Claims 1, 4 and 6-19 remain pending in the application with the present amendments. In the final Official Action, claims 1, and 6-19 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,103,394 to Blasciak ("Blasciak") in view of U.S. Patent No. 6,047,381 to Klein ("Klein"). For the reasons set forth below, applicant submits that the presently pending claims are fully distinguished from all cited references. Withdrawal of the rejections and allowance of the claims are respectfully requested.

The undersigned appreciates the courtesy of the Examiner in granting the in-person interview which was held at the office of the Examiner on October 5, 2004. The distinctions of the invention over the cited art were discussed during the interview. In addition, specific proposed amendments to the claims were discussed with the Examiner, which the Examiner indicated were believed to overcome the rejections. The claims are now amended as proposed during the interview. Accordingly, the present amendment is believed to overcome the rejections of the cited art and to place the claims in condition for allowance.

Method claim 1 relates to a method by which a host system emulates execution of instructions which are designed for execution by a target system. As amended herein, claim 1 now recites dynamically determining a variance between a first quantity which is representative of a speed at which the instructions are executable by the target system ("target execution speed") and a second quantity which is representative of a "host execution speed" at which the host system emulates execution of the instructions. Claim 1 is further amended to recite that the host execution speed is dynamically adjusted based on the *dynamically determined variance*. Specifically, the host execution speed is dynamically increased *when the variance*

indicates that the host execution speed is less than the target execution speed, and the host execution speed is decreased when the variance indicates that the host execution speed is greater than the target execution speed.

The combination of *Blasciak* in view of *Klein* neither teaches nor suggests these features of the invention set forth in the presently amended claims. As was discussed during the interview, *Blasciak* neither teaches nor suggests dynamically determining a variance between (a) a first quantity representative of a target execution speed at which instructions are executable on a target system and (b) a second quantity representative of a host execution speed at which the host system emulates execution of the instructions. *Blasciak* merely describes a method for measuring the speed of executing instructions by a particular processing system. (See, e.g., col. 1, lns. 31-36). Nor does *Blasciak* teach or suggest dynamically adjusting the host execution speed based on the dynamically determined variance, i.e., dynamically increasing the host execution speed when the variance indicates that the host execution speed is less than the target execution speed, and dynamically decreasing the host execution speed when the variance indicates that the host execution speed is greater than the target execution speed.

The mere fact that *Blasciak* describes use of emulators to measure performance of software (See, e.g., col. 4, lns. 20-25) does not run contrary to applicant's argument. *Blasciak* neither teaches nor suggests dynamically determining a variance indicative of whether a host execution speed of emulation is greater than a target execution speed of execution on a target system, nor does *Blasciak* teach or suggest dynamically adjusting the host execution speed based on the dynamically determined variance.

Clearly, Klein neither teaches nor suggests the features which are lacking in Blasciak with respect to invention claimed in claim 1. Klein merely describes a controller which is able to execute a few specific instructions at high speed, but which executes all other instructions at a standard or "normal" execution speed. Klein does not teach or suggest dynamically determining a variance between a first quantity representative of a target execution speed of executing instructions and a second quantity representative of a host execution speed of emulating execution of the instructions. Nor does Klein teach or suggest using such dynamically determined variance to adjust the host execution speed. As was discussed during the interview, Klein merely teaches a momentary increase in the speed of executing an instruction based on the particular instruction being executed. In Klein, the condition on which the speed of executing the instruction is adjusted is completely different from that recited in claim 1 in which the host execution speed is increased when the variance indicates that that speed is less than the target execution speed, and is decreased when the variance indicates that the host execution speed is greater than the target execution speed.

Claims 10 and 15, are amended herein to include recitations similar to those of claim 1, and are distinguishable from the cited references on the basis described above.

Support for the present amendments is provided, *inter alia*, at page 9, lines 2-21; page 10, lines 10-12; page 10, line 20 to page 11, line 4; and page 12, lines 12-21 of the Specification.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however,

for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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